

October 30, 2006

Arnetta McRae, Chair
Delaware Public Service Commission

Dear Ms. McRae:

Green Delaware is concerned that the Commission staff has so far declined to make available to us the transcript of the October 17th Commission deliberations in PSC DOCKET NO. 06-241--Delmarva Power RFP.

The Attorney General has ruled that transcripts become public documents when received by agencies subject to the Delaware Freedom of Information Act. We know the Commission possesses a transcript of the October 17th hearing and can easily email that to us. So far we have been offered several unconvincing excuses for the failure to provide the transcript.

Therefore it seems to us that the PSC is violating the spirit and intent, if not the letter, of the Delaware FOIA by withholding a transcript. In our experience, withholding of information seldom indicates that the public interest is being served.

Further, the Electric Utility Retail Customer Supply Act of 2006 plainly contemplates public involvement which is being obstructed by the withholding of this transcript.

This is particularly disturbing because a draft Order has been circulated and we are put in the position of considering whether this Order matches what was said at the Oct meeting without access to the transcript.

Green Delaware requests that the subject transcript be made available to us immediately and that the Commission take no further action regarding this Docket until we have had a chance to review it.

If this letter raises any questions please contact us.

Yours very truly,

Alan Muller

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